

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 3217 Batavia Avenue		

TO

Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: November 9, 2009

REQUEST

The Department of Planning has received Donald Cruikshank's Board of Municipal and Zoning Appeals (BMZA) application to increase dwellings on the premises from 3 dwelling units to 4 dwelling units. We understand that this appeal is scheduled for hearing on November 10, 2009.

SITE

3217 Batavia Avenue is located on the south side of the street, approximately 400' southeast of the intersection with Arabia Avenue. This property measures approximately 65' by 150' and is currently improved with a two-and-one-half-story building measuring approximately 30' by 38'. This site is zoned R-4.

ANALYSIS

Insufficient Lot Area: In this zoning district, multiple-family detached dwellings require 5,000 square feet of lot area per dwelling unit (§4-706(c)). In this case, for four dwelling units, 20,000 square feet of lot area is required. The lot only encloses approximately 9,750 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: (1) 25% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be 51%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Off-Street Parking: As the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). One off-street parking space is therefore required for the proposed additional dwelling unit.

Comprehensive Planning: The Department of Planning typically will only support one dwelling unit per floor, and normally does not support units in basements. The Baltimore City Comprehensive Master Plan: LIVE, EARN, PLAY, LEARN calls for better land use and urban design standards in order to improve the neighborhoods in our City. To further encourage the excessive conversion of residences, or by maintaining properties in a nonconforming status, confounds this process.

Mr. David Tanner, BMZA
Executive Director
Page 2
Re: 3217 Batavia Avenue

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal, for the reasons that the lot area variance required exceeds the amount allowed by the Zoning Code, and the off-street parking required for the additional dwelling unit proposed for the basement is not being provided.

TJS/ewt/mf

cc: Donald Cruikshank, Appellant